



TEXAS DEPARTMENT OF HEALTH
AUSTIN, TEXAS
INTER-OFFICE MEMORANDUM

TO: Regional Directors
Directors, Local Health Departments
Directors, Independent WIC Local Agencies
Herman Horn, Chief, Bureau of Regional/Local Health Operations

FROM: *dwb* Deborah W. Brookshire, M.B.A., Director
Provider Relations Division

DATE: September 1, 2000

SUBJECT: Policy CS: 02.3, Physical Presence

Recently, federal regulations were passed that require individuals seeking participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) be physically present at the initial WIC certification and subsequent certifications. In response to federal requirements, WIC Policy CS : 02.3, Physical Presence and the Physical Presence Waiver Form were created and approved by the United States Department of Agriculture (USDA). Both the policy and waiver form are attached to this memo.

As you may know, the process for adopting WIC policies through the Texas Department of Health (TDH) has changed. In addition to obtaining USDA approval for policies, the WIC program must obtain approval from TDH's Board of Health (BOH). The next BOH meeting will be held September 7, 2000, at which time Policy CS: 02.3 is scheduled for final adoption. Once adopted, Policy CS: 02.3 will be implemented on October 1, 2000. Also on October 1, 2000, the policy and waiver form will be available on the WIC web site at www.tdh.state.tx.us/wichd. Please be sure to update all of your agency's policy manuals.

Each local agency must develop a local policy on the procedures that will be used to document the physical presence of an applicant/participant. The Guidelines Section of Policy CS: 02.3 lists examples of procedures a local agency can use to document an applicant's/participant's physical presence for a certification or subsequent certification. As part of the procedures, each local agency must specify which form, WIC-35 or other certification forms, it will use and where the documentation will be located. A completed Physical Presence Waiver Form must be filed in the client's records for each applicant/participant who is not physically present.

Policy CS: 02.3 states in Section II that infants under one month of age may be certified without being physically present if all documentation is available. If the local agency chooses to implement this practice, the **parent/guardian/caregiver** will need to present the infant to the WIC clinic by the infant's six week birth date. The local agency will document the infant's presence in the participant's record per local agency procedures as outlined in Section V of the policy. This practice provides WIC staff the opportunity to provide counseling regarding breastfeeding, and helps them identify any feeding issues that may have arisen.

If you have any questions, please contact Karen Davis, Director of the WIC Policy and Communication Section, at (5 12) 406-07 11, extension 221.

Attachments

TEXAS WIC PROGRAM

SUBJECT: **PHYSICAL PRESENCE**

POLICY NO.: CS: 02.3

EFFECTIVE DATE: **October 1, 2000**

REF.: Federal Regulations, 7 CFR PART \$246

POLICY

Individuals seeking participation in the WIC Program shall be physically present at the initial WIC certification and the subsequent certifications, except in certain limited circumstances.

PURPOSE

The physical presence of an individual at certification is basic to WIC Program effectiveness. The physical presence requirement not only improves program accountability and integrity, it also facilitates an individual's access to other needed health and social services.

PROCEDURE

- I. All applicants/participants shall be physically present at initial and subsequent certifications. This includes pregnant, breastfeeding, and postpartum women, infants, and children less than five years of age.
- II. Newborn infants, less than one month of age, may be allowed to be certified without being physically present if all required documentation is available. If the local agency elects to implement this practice, the **parent/guardian/caregiver** shall present the infant to WIC staff by the infant's six week birth date. At that time, the local agency must document the date that the infant is presented, and document the physical presence of the infant in the client's record per local agency policy as required in Section V of this policy.
- III. The exceptions to the applicant/participant being physically present include:
 - A. Exceptions for Reasonable Accommodations of Disabilities for Women, Infants, and Children.
 1. An applicant or parent/caretaker of an applicant who is a qualified individual with disabilities and is unable to be physically present at the WIC clinic because of his/her disabilities, may be certified without being physically present. (Note: Not all persons with disabilities are automatically exempt.) Conditions which meet this standard are:
 - a. Medical condition that necessitates the use of medical equipment that is not easily transportable.
 - b. Medical condition that requires confinement to bed rest.
 - c. A serious illness that may be exacerbated by coming into the clinic.
 2. A verbal declaration of exception status is acceptable **and** shall be documented in the client's record.

B. Exception for Infants and Children

1. Under certain circumstances, an infant or child may be exempt from being physically present at subsequent certifications, only if being physically present would cause an unreasonable barrier.
2. To obtain an exception, an infant or child must have documented ongoing health care **from** a provider other than the local agency.
 - a. A written copy of the infant's or child's height, weight, **hemoglobin/hematocrit** shall be required if he/she is not physically present. For accepting data from a health professional, see Policy CS: 04.9.)
 - b. The health care source shall be documented on the Infant/Child Participant Form
3. Exceptions from the physical presence requirement are listed below:
 - a. The infant or child was present at his/her initial WIC certification; and the parent/guardian verbally declares that bringing the child in would pose an unreasonable barrier; and the child has documented ongoing health care **from** a health care provider other than the WIC local agency.
 - b. The infant or child was present at his/her initial WIC certification; and was present at a WIC certification or recertification within the 1-year period which ended on the date they were last certified or recertified and; is under the care of one or more working parents/caretakers who verbally declare that their working status presents a barrier to bringing the infant or child to the WIC clinic.

IV. Length of Waiver

- A. Short-term situation or condition: An applicant/participant may be exempt from the physical presence requirement for one certification period. The Certified Professional Authority (CPA) shall reassess the exception situation at each certification.
- B. Long-term/Permanent condition: An applicant/participant may be exempt from the physical presence requirement for an extended period of time. The CPA may reassess the exception situation at each certification.
- C. The CPA shall determine the length of the waiver and complete the Physical Presence Waiver Form. The completed form shall be filed in the applicant/participant's record and kept for an audit/review.
- D. When the CPA signs the Supplemental Information Form (SIF), WIC-35-1, he/she is authorizing the waiver.

V. Documentation of Physical Presence

- A. Each local agency shall develop a local policy on the procedure that will be used to document the physical presence of an applicant/participant. The local policy shall be specific. The policy shall be kept for an audit/review. See guidelines for examples.
- B. Each local agency shall complete and file in the client's record the "Physical Presence Waiver Form" for each applicant or participant that is not physically present for their certification.

DEFINITIONS

Applicants: Pregnant women, breastfeeding women, postpartum women, infants, and children who are applying to receive WIC benefits under the program. Applicants include individuals who are currently participating in the program but are reapplying because their certification period is about to expire.

Individuals with Disabilities: A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

GUIDELINES

- I. Three examples of local procedures to document an **applicant's/participant's** physical presence for a certification or subsequent certification.
 - A. Purchase a stamp stating "Applicant/Participant Physically Present" and use the stamp when the individual is present by stamping the comments section box of the WIC-35 or other certification form. The local agency shall specify which form it will use and where the stamp will be placed. If the **WIC-35** or other certification form does not have the stamp, there shall be a Physical Presence Waiver Form in the client's chart.
 - B. Write the words "physicallypresent" in a specific place on the WIC-35 or other form. If the words are not written on the form, there shall be a Physical Presence Waiver Form in the client's chart.
 - C. Write the initials "**PP**" next to the applicant's/participant's name on the participant form. If the initials "PP" are not next to the **applicant's/participant's** name, there shall be a Physical Presence Waiver Form in the client's chart.

Physical Presence Waiver Form

Exceptions are listed below to the requirement that all WIC applicants/participants be physically present at each certification. Please complete the form and file in the applicant/participant file.

Applicant/Participant Name: _____

Date: _____

Category: Woman, Infant, Child (circle one)

Appointment:

_____ Initial Certification **OR** _____ Subsequent Certification

Exception for All Applicant Categories:

- _____ Medical condition that necessitates the use of medical equipment that is not easily transportable.
- _____ Medical condition that requires confinement to bed rest.
- _____ A serious illness that may be exacerbated by coming in to the clinic.

Exception for Infant or Child Categories: Only one of the two situations below must be met for the family to be granted an exception.

*A written copy of the **infant's/child's** height, weight, hemoglobin or hematocrit shall be provided for this exception and will constitute documented ongoing health care from a health provider other than the **WIC** local agency.*

- _____ 1) The infant or child was present at his/her initial WIC certification and 2) the parent/guardian verbally declares that bringing the child in would pose an unreasonable barrier and 3) the child has documented ongoing health care from a health care provider other than the WIC local agency.
- _____ 1) The infant or child was present at his/her initial WIC certification and 2) was present at a WIC certification or recertification within the 1 -year period which ended on the date they were last certified or recertified and 3) is under the care of one or more working parents/caretakers who verbally declare that their working status presents a barrier to bringing the infant or child to the WIC clinic.

Length of Waiver:

- _____ Short-term (current certification period)
- _____ Long-term (up to one year from current certification)
- _____ P e r m a n e n t

*This form must be kept in client's **file** for an **audit/review**.*